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7 Attorney for Jimmy Carter Kim

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 JIMMY CARTER KIM,
15 Defendant.

Case No. 2:18-mj-00836-CWH

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
17 States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Rebecca A.
19 Levy, Assistant Federal Public Defender, counsel for Jimmy Carter Kim, that the Preliminary
20 Hearing currently scheduled on Friday, January 4, 2019 at 4:00 p.m., be vacated and continued
21 to a date and time convenient to the Court, however no sooner than ninety (90) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. The parties require additional time to discuss the potential for a Pre-Indictment
24 negotiation.
25 2. Counsel for the defendant will require additional time to review and investigate
26 discovery and meet with the client to discuss the details prior to proceeding.

1 3. The Defendant is in custody and does not object to the continuance.

2 3. Both parties agree to the continuance.

3 4. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice.

5 5. The additional time requested by this stipulation is excludable in computing the
6 time within which the defendant must be indicted and the trial herein must commence pursuant
7 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(8)(A), considering the factors under
8 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

9 This is the third request for continuance filed herein.

10 DATED this 3rd day of January, 2019.

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12 RENE L. VALLADARES
13 Federal Public Defender

DAYLE ELIESON
United States Attorney

14 /s/ Rebecca A. Levy
15 By _____

16 REBECCA A. LEVY
Assistant Federal Public Defender

/s/ Christopher Burton
By _____

CHRISTOPHER BURTON
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JIMMY CARTER KIM,

7 Defendant.

Case No. 2:18-mj-00836-CWH

ORDER

9 Based on the Stipulation of counsel, good cause appearing therefore:

10 IT IS HEREBY ORDERED that the Preliminary Hearing currently scheduled on Friday,
11 January 4, 2019 at the hour of 4:00 p.m., be vacated and continued to April 8, 2019
12 at the hour of 4:00 p.m.

13 DATED this 3 day of January, 2019.

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17 UNITED STATES MAGISTRATE JUDGE
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